

Application No.: 9/898,266
Attorney Docket No. 37077.001005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of :

Gary Willman POLICASTRO, et al.

Application No.: 09/898,266

Filed: July 3, 2001

Group Art Unit: 2172

Examiner: Jean B. FLEURANTIN

For: SYSTEM AND METHOD FOR AN EDUCATION DECISION SUPPORT LIBRARY

RESPONSE TO RESTRICTION REQUIREMENT

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

In response to the Office Action mailed February 24, 2004, Applicant hereby traverses the restriction requirement and requests reconsideration and withdrawal of such requirement.

A. THE RESTRICTION REQUIREMENT

The Office Action asserts that restriction to one of the following inventions is required under 35 U.S.C. §121:

I. Claims 1-35, 40-57 and 59, which the Office Action indicates are classified in class 707, subclass 104.1; and

II. Claims 36-39 and 58, which the Office Action indicates are classified in class 707, subclass 101.

The Office Action asserts that the inventions in the two groups are related as subcombinations disclosed as usable together in a single combination. The Office Action further asserts that the subcombinations are distinct from each other if they are shown to be separately

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usable. The Office Action asserts that in the instant case, invention Group I has separate utility such as a method for providing an education decision support library in an educational environment to enable user access to information, over a processor based network, wherein the information assists the user in making a decision in the educational environment, the method comprising the steps of loading operational data from one or more sources into a database.

The Office Action further asserts that the invention of Group II has separate utility such as a method for enabling an administrator to access data relating to the operation of an educational institution, the method comprising applying a business rule to the operational data collected for one or more administrative topics related to the educational institution.

The Office Action asserts that because the inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes is proper. The Office Action further asserts that the inventions are also distinct since the search for Group I is not required for Group II. Further, the Office Action asserts that the inventions have acquired a separate status in the art because of their recognized divergent subject matter.

B. ELECTION

In the event that the restriction requirement is not withdrawn, Applicant hereby provisionally elects Group I, claims 1-35, 40-57 and 59, with traverse.

C. TRAVERSAL

Applicant respectfully traverses the restriction requirement. It is respectfully submitted that a complete and thorough search of the claims identified above as belonging to Group I would involve a search of the areas relevant to the non-elected claims of Group II, and visa-versa. Applicant notes that both asserted inventions are in the same class. Further, Applicant notes that such above claims have received a first Office Action on the merits. Accordingly, it

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would appear that the search for both asserted inventions has already been performed.

Accordingly, Applicant submits that the burden on the Examiner does not warrant requiring Applicant to pay duplicative PTO fees and perform duplicative prosecution to obtain patent protection for the present invention.

Withdrawal of the restriction requirement is respectfully requested. However, as noted above, Applicant respectfully elects Group I in the event that the restriction requirement is not withdrawn.

D. CONCLUSION

Applicant believes that no fees are necessary in connection with the filing of this document. In the event any fees are necessary, please charge or credit any such fees, including fees for any extensions of time, to the undersigned's Deposit Account No. 50-0206.

Further to the Examiner Interview of October 2, 2003, Applicant and Applicant's representative looks forward to working with the Examiner in the further prosecution of this application. The Examiner is respectfully requested to call Applicant's undersigned representative at the telephone number below at such time as would assist in the examination of the application.

Date: March 24, 2004

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Respectfully submitted,

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